

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

EASEMENTS AND RIGHTS-OF-WAY
OVER A TOTAL OF 1.83 ACRES OF LAND,
MORE OR LESS, IN SUMNER COUNTY,
TENNESSEE, and
WALTER H. STEPHENSON, II
Defendants

No. 3:11-cv-00304
Judge Wiseman

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered on Plaintiff's Motion for Entry of Consent Judgment and Order Disbursing Funds (Doc. 10), and it appears to the Court, as evidenced (1) by the signatures of Defendant Walter H. Stephenson, II, and his sister, Betty Holland Stephenson Spears, that they have agreed to resolve this case concurrently with *United States ex rel. TVA v. An Easement and Right-of-Way Over 2.46 Acres, Etc.*, Civil Action No. 3:11-cv-00303 (M.D. Tenn.), an action which involves adjoining land and in which Betty Holland Stephenson Spears is named as the Defendant-landowner, and (2) by the signatures below, that the parties have agreed to resolve this action as hereinafter provided. It is, therefore, Ordered and Adjudged that:

1. The Defendants in this action and in Civil Action No. 3:11-cv-00303 (M.D. Tenn.), shall recover of the Plaintiff the total amount of \$65,000 as full compensation for the easements and rights-of-way condemned herein and in Civil Action No. 3:11-cv-00303, with \$22,570 of said compensation being disbursed as set forth in paragraph 2 of this Judgment and Order

Disbursing Funds (Judgment) and \$42,430 of said compensation being disbursed as set out in paragraph 2 of the Judgment in Civil Action No. 3:11-cv-00303.

2. The Clerk of this Court is authorized and directed to (a) close out the interest-bearing account with Bank of America in Nashville, Tennessee, that was created pursuant to the Investment Order entered herein (Doc. 6), (b) deposit the sum received from the account into the registry of this Court, and (c) draw a check on the funds on deposit in the registry of this Court in the principal amount of \$22,570 plus all interest earned on the account in this case, less the Clerk's registry fee of 10 percent of the interest earned on those accounts, payable to Walter H. Stephenson, II, and Betty Holland Stephenson Spears, in full satisfaction of this Judgment and (d) mail said check to the first address shown on the form sent to the Financial Administrator by Plaintiff prior to submission of this Judgment.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on March 31, 2011, is hereby fully and finally confirmed with respect to the following-described easement and right-of-way (said description being the same as Attachment 1 to the Declaration of Taking filed herein):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. GATN-59A

A parcel of land located in the Second Civil District of Sumner County, State of Tennessee, as shown on a map entitled "Gallatin-Angeltown Transmission Line," drawing LW-8707, sheet P4, R.1, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is a common corner in the lands of Walter H. Stephenson, II, Suntrust Bank, Trustee, and Betty Holland Stephenson Spears, the said point being on a fence line; thence leaving the said common corner and with the said fence line and the property line between Walter H. Stephenson, II, and Betty Holland Stephenson Spears S. $69^{\circ} 08' 49''$ W., 13.09 feet to a point on the northeast right-of-way line of the transmission line location, the said point being the POINT OF BEGINNING.

Thence leaving the Point of Beginning and the said northeast right-of-way line of the location and continuing with the said fence line and the said property line S. $69^{\circ} 08' 49''$ W., 101.82 feet, crossing the centerline of the location at survey station 441+86.7 (50.91 feet), to a point on the southwest right-of-way line of the location; thence leaving the said fence line and the said property line and with the said southwest right-of-way line of the location N. $31^{\circ} 42' 45''$ W., 429.18 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 446+19.21; thence continuing with the said southwest right-of-way line of the location N. $17^{\circ} 20' 34''$ W., 842.91 feet to a point on a fence line and the property line between Walter H. Stephenson, II, and Suntrust Bank, Trustee; thence leaving the said southwest right-of-way line of the location and with the said fence line and the said property line S. $20^{\circ} 54' 59''$ E., 8.23 feet to a point; thence continuing with the said fence line and the said property line S. $21^{\circ} 52' 39''$ E., 552.47 feet to a point; thence continuing with the said fence line and the said property line S. $31^{\circ} 49' 39''$ E., 223.13 feet, crossing the centerline of the location at survey station 448+74.4 (23.23 feet), to a point on the aforementioned northeast right-of-way line of the location; thence leaving the said fence line and the said property line and with the said northeast right-of-way line of the location S. $17^{\circ} 20' 34''$ E., 55.32 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 446+19.21; thence continuing with the said northeast right-of-way line of the location S. $31^{\circ} 42' 45''$ E., 435.76 feet to the point of beginning and containing 1.77 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structures located at survey stations 446+19.21 and 459+71.98.

TRACT NO. GATN-59B

A parcel of land located in the Second Civil District of Sumner County, State of Tennessee, as shown on a map entitled "Gallatin-Angeltown Transmission Line," drawing LW-8707, sheet P4, R.1, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is a common corner in the lands of Walter H. Stephenson, II (TVA Tract No. GATN-59A), Suntrust Bank, Trustee, and Betty Holland Stephenson Spears, the said point being on a fence line; thence leaving the said common corner and with the said fence line and the property line between Walter H. Stephenson, II (TVA Tract No. GATN-59A), and Betty Holland Stephenson Spears S. $69^{\circ} 08' 49''$ W., 64 feet to a point on the centerline of the transmission line location at survey station 441+86.7; thence leaving the said fence line and the said property line and with the centerline of the location N. $31^{\circ} 42' 45''$ W., 432.51 feet to an angle point in the centerline of the location at survey station 446+19.21; thence continuing with the centerline of the location N. $17^{\circ} 20' 34''$ W., 255.19 feet to a point on a fence line and the property line between Walter H. Stephenson, II (TVA Tract No. GATN-59A), and Suntrust Bank, Trustee at survey station 448+74.4; thence leaving the centerline of the location and with the said fence line and the said property line N. $31^{\circ} 49' 39''$ W., 23.23 feet to a point; thence continuing with the said fence line and the said property line N. $21^{\circ} 52' 39''$ W., 552.47 feet to a point; thence continuing with the said fence line and the said property line N. $20^{\circ} 54' 59''$ W., 8.23 feet to a point on the southwest right-of-way line of the location; thence leaving the said fence line and the said property line and with the said southwest right-of-way line of the location N. $17^{\circ} 20' 34''$ W., 527.15 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 459+71.98; thence with the west right-of-way line of the location N. $07^{\circ} 26' 52''$ E., 100.99 feet to a point on a fence line and the property line between Walter H. Stephenson, II (TVA Tract No. GATN-59B), and Suntrust Bank, Trustee, the said point being 50 feet left of the centerline of the location at survey station 460+61.98 and being the Point Of Beginning.

Thence leaving the Point of Beginning, the said fence line, and the said property line and continuing with the said west right-of-way line of the location N. $07^{\circ} 26' 52''$ E., 770.03 feet to a point on the aforementioned fence line and property line between Walter H. Stephenson, II (TVA Tract No. GATN-59B), and Suntrust Bank, Trustee, the said point being 50 feet left of the centerline of the location at survey station 468+32.00; thence leaving the said west right-of-way line of the location and with the said fence line and the said property line S. $49^{\circ} 53' 35''$ E., 6.39 feet to a point 44.62 feet left of the centerline of the location at survey station 468+28.56; thence continuing with the said fence line and the said property line S. $07^{\circ} 25' 12''$ W., 65.43 feet to a point; thence continuing with the said fence line and the said property line S. $07^{\circ} 40' 37''$ W., 395.24 feet to a point; thence continuing with the said fence line and the said

property line S. 08° 09' 54" W., 305.94 feet to the Point of Beginning and containing 0.06 acre, more or less.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Walter H. Stephenson (also known as Walter H. Stephenson, II) (Deed Books 238 and 184, pages 103 and 572, and Will Book 71, page 241); Current deed filed on June 8, 2011, Record Book 3432, pages 342-346

Tax Map 111, Parcel 023.00 (northern 61 acres)

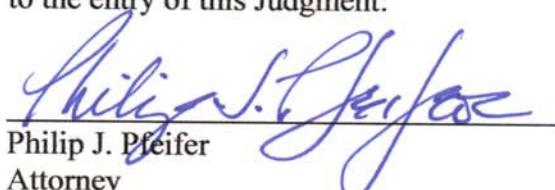
4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is so ORDERED.



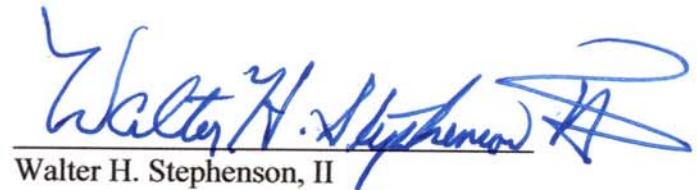
United States District Judge

We hereby approve and consent to the entry of this Judgment:



Philip J. Pfeifer
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Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
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Attorney for Plaintiff



Walter H. Stephenson, II

Date: July 14, 2011

Defendant



Betty Holland Stephenson Spears

Date: 7-11-11

Defendant in Civil Action
No. 3:11-cv-00303 (M.D. Tenn.)

STATE OF TENNESSEE)
COUNTY OF Davidson) SS

Before me personally appeared Walter H. Stephenson, II, to me known to be the person described in and who executed the foregoing Judgment and Order Disbursing Funds, and acknowledged that he executed the same as his free act and deed on the day and year therein mentioned.

Witness my hand and official seal this the 19th day of July, 2011.

Annah C. Wisdom
Notary Public

My commission expires: 3/4/13



STATE OF TENNESSEE)
COUNTY OF _____) SS

Before me personally appeared Betty Holland Stephenson Spears to me known to be the person described in and who executed the foregoing Judgment and Order Disbursing Funds, and acknowledged that she executed the same as her free act and deed on the day and year therein mentioned.

Witness my hand and official seal this the 12 day of July, 2011.

Tina M. Hudson
Notary Public

My commission expires: January 27 2015

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